



1681  
HFW

## In the United States Patent and Trademark Office

In re Application of:

**Michael L. Bell**

Serial No.: **10/071,395**

Filed: **February 8, 2002**

Title: **Methods and Reagents For  
Conducting Multiplexed Assays  
Of Multiple Analytes**

Atty Dkt. No.: 2030-045 (03501.160)

Examiner: Davis, Deborah A.

Art Unit 1641

### **Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures**

Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated May 15,  
2005, Applicant respectfully submits:

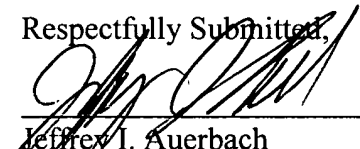
1. A copy of the Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures  
dated May 15, 2005;
2. A computer-readable form of a Sequence Listing for the above-described  
application;
3. An initial paper copy of a Sequence Listing for the above-described  
application, as well as an amendment specifically directing its entry into the  
application;
4. A Statement that the content of the paper and computer readable copies are  
the same, and include no new matter.

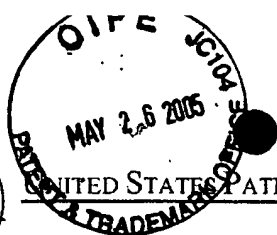
Response to the Notice to Comply  
with Requirements for Patent Applications  
Containing Nucleotide Sequence And/Or  
Amino Acid Sequence Disclosures  
Dated May 15, 2005

No fee is believed to be due for consideration of this submission. However, should any other fee be required for such action, please debit Account 50-0548 and notify the undersigned. Please contact the undersigned regarding any issues pertaining to such correction.

Date: 5/26/2005  
Liniak, Berenato & White, LLC  
6550 Rock Spring Drive, Suite 240  
Bethesda, MD 20817  
Tel: (301) 896-0600  
Fax: (301) 896-0607

Respectfully Submitted,

  
\_\_\_\_\_  
Jeffrey I. Auerbach  
Reg. No. 32,680  
Attorney for Applicant



3561.160

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,395	02/08/2002	Michael L. Bcll	2030-045	9989

22471 7590 05/18/2005

PATENT LEGAL DEPARTMENT/A-42-C  
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FULLERTON, CA 92834-3100

LEGAL DEPT.

MAY 23 2005

EXAMINER

DAVIS, DEBORAH A

ART UNIT PAPER NUMBER

1641

DATE MAILED: 05/18/2005

Due 6/18/05

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

MAY 24 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO. /CONTROL NO. 10/071,395	FILING DATE 02/08/2002	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Michael L. Bell	ATTORNEY DOCKET NO. 2030-045
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LEGAL DEPT.  
MAY 23 2005

EXAMINER Deborah A. Davis

ART UNIT

PAPER

1654

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 1(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR §1.821(g). Extensions of time obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for beyond the six-month statutory period. Applicant is requested to return a copy of the attached Notice to comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio

(<<<http://www.uspto.gov/efb/efs/downloads/documents.htm>>>, EFS Submission User Manual - ePAVE)

2. Mailed to:

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313-1450  
Alexandria, VA 22313-1450

3. Mailed by Federal Express, United Parcel Service or other delivery service to:

U. S. Patent and Trademark Office  
Box Sequence, Room 1B03-Mailroom  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:

Patent and Trademark Office  
Sequence, Customer Window, Lobby, Room 1B03  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah A. Davis whose telephone number is (571) 272-0818. The examiner works M-F 9:30 - 7:00 and can be reached by phone and voice mail.

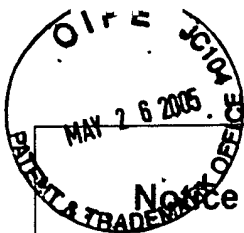
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice To Comply.

Any inquiry of a general nature or relating to the status of this application, or requests to supply missing elements from Office communications, directed to the Group receptionist whose telephone number is (571) 272-1600.

LONG V. LE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1800

05/17/05

R2



# Notice to Comply

Application No. 10/071,395	Applicant(s) Michael L. Bell
Examiner Deborah A. Davis	Art Unit 1641

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: Amino acid sequences listed in claims 27-28 should be identified by a sequence identifier.

### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

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